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IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Mark Kelly,

Plaintiff,

C/A No. 3:11-cv-3495-JFA

vs.

South Carolina Department of Labor Licensing and Regulation, Catherine Templeton, Ron Cook, and H. Rion Alvey

Defendants.

ORDER

The court, having been advised by counsel for the parties that the above action has settled, hereby orders that this action be dismissed without costs and without prejudice. If settlement is not consummated within a reasonable time, either party may, within 60 days, petition the court to reopen the action and restore it to the calendar. See Fed. R. Civ. P. 60(b)(6). In the alternative, to the extent permitted by law, either party may, within 60 days, petition the court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir. 1978).

The dismissal hereunder shall be <u>with prejudice</u> if no action is taken under either alternative within 60 days from the filing date of this order.

IT IS SO ORDERED.

December 6, 2012 Columbia, South Carolina Joseph F. Anderson, Jr. United States District Judge

Joseph F. anderson, J.